ORDINANCE 22-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ADDING A NEW TITLE 4 (MUNICIPAL ELECTIONS) TO THE COVINA MUNICIPAL CODE PROVIDING FOR THE ELECTION OF FIVE CITY COUNCILMEMBERS BY DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT, AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted with respect to the following purposes:

(a)   Pursuant to California Government Code Section 34886 and Elections Code Section 10010, the City Council votes to approve the change to a district-based election system for City Councilmembers whereby all five City Councilmembers shall be elected by the voters of five City Council districts rather than at-large.

(b)   Pursuant to California Government Code Section 34886, it is declared the change in the method of electing City Councilmembers of the City of Covina made by this ordinance is in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5, commencing with Section 14025, of Division 14 of the Elections Code) (the "CVRA").

(c)   Pursuant to Government Code Section 36937, this Ordinance relates to an election and provides for the immediate preservation of the public peace, health or safety, based on the following facts:

1)   On October 21, 2021, the City Council voted unanimously to approve Resolution CC 2021-117, which declared the intention to transition from at-large to district-based City Council elections. This decision came as a result of a demand letter sent to the City by Attorney Scott Rafferty, which alleged that the City's current election system violates the CVRA; and

2)   Under the CVRA, the City must complete the transition to district elections within a 90-day timeframe, with a minimum of five public hearings; and

3)   Under the provisions of California Elections Code Section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

4)   Before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on November 2, 2021, and November 16, 2021,

at which time input from the public on the proposed composition of the districts was invited and heard; and

5)   The City Council has established a redistricting website, http://mapcovina.org, at which members of the public could download and submit proposed district maps for consideration by the Council; and

6)   On December 14, 2021, consistent with the provisions of California Elections Code Section 10010, the City published and made available for release, 30 draft maps proposed by members of the public, and three draft maps prepared by the City's demographic consultant in accordance with California Elections Code Section 21601 and California Government Code Section 34886; and

7)   The potential sequence of elections in the districts represented in each map was also simultaneously published for each draft plan; and

8)   As required by California Elections Code Section 10010, the City held a public hearing on December 21, 2021 at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

9)   On December 28, 2021, two amended public maps and five new publicly submitted maps were published; and

10)   As required by California Elections Code Section 10010, the City held a public hearing on January 4, 2022, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections, and at which the City Council introduced this Ordinance containing the proposed districting plan for the City of Covina and sequencing of elections in the districts; and

11)   On January 18, 2022, consistent with the provisions of California Elections Code Section 10010, the City held a fifth public hearing at which the public was again invited to provide input regarding the content of the draft maps including the map attached to and made a part of this Ordinance; and

12)   The City has complied with all requirements of California Elections Code Section 10010; and

13)   Adoption of this Ordinance allows the City to comply with CVRA deadline of January 19, 2022, thereby protecting the City from litigation and significant legal fees.

(d)   Providing for the election of City Councilmembers by districts and establishing the district boundaries is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because it can be seen with certainty that the change will not have any potentially significant adverse impact on the environment. This change is also exempt from CEQA because it is not a "project" under Section 15378(b) of CEQA Guidelines because this change involves organizational or

administrative activity of government that will not result in the direct or indirect physical change in the environment.

SECTION 2. A new Title 4 (Municipal Elections) is hereby added to the Covina Municipal Code to read as follows:

"Title 4

MUNICIPAL ELECTIONS

Chapter 4.02 Elections Generally

4.02.010   City Council Districts Established. Five City Council districts are hereby established in the City of Covina. The boundaries and identifying number of each district shall be as described on the official "Council District Map" on file in the Office of the City Clerk.

4.02.020   Election of City Councilmembers by District.

A.   City Councilmembers shall be elected "by District" as defined in California Government Code Section 34871. A person shall not be eligible to be elected to be a City Councilmember unless he or she is otherwise qualified as required by law, resides in the geographical area making up the district from which he or she is nominated to be elected and is a registered voter of the City of Covina at the time nomination papers are issued to the candidate as provided in Section 10227 of the California Elections Code.

B.   Registered voters signing nomination papers or voting for a City Councilmember shall be residents of the geographical area making up the district from which the City Councilmember is to be elected.

C.   The terms of the office of each City Councilmember shall be four (4) years.

D.   References in this Chapter to state statutes shall include any amendments thereto and any successor statutes.

4.02.030   Commencement of District Elections. Commencing with the general municipal election in June of 2022 and thereafter, the voters in Council Districts 1, 3, and 5 shall elect City Councilmembers by district for full four (4) year terms. At the general municipal election in 2024 and thereafter, the voters in Council Districts 2 and 4 shall elect City Councilmember by district for full four (4) year terms. No term of any City Councilmember that commenced on or prior to the effective date of this Chapter shall be affected prior to its expiration date.

4.02.040   Adjustment of Council District Boundaries.

A.   Pursuant to Elections Code Section 21601 the City Council shall adjust the boundaries of any or all of the districts following the release of the 2030 Census and every subsequent decennial federal census thereafter. Using the census as a basis, the City Council shall adjust the boundaries in accordance with the standards and provisions of Elections Code Sections 21600 to 21609, as they now exist or may hereafter be amended, and in compliance with all applicable provisions of law. Any adjustment of district

boundaries shall be made by ordinance or resolution adopted by the City Council. The City Council shall hold public hearings and comply with the procedures for adoption of the proposed district boundaries as required by Elections Code Sections 21607 and 21607.1, as those sections now exist or may hereafter be amended.

B.   At the time of any annexation of territory to the City, the City Council shall designate, by resolution adopted by a vote of at least a majority of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Elections Code Section 21603.

C.   Pursuant to Elections Code Section 21606 the term of office of any City Councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected. At the first election for council following adjustment of the boundaries of the districts, a person meeting the requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan that has the same district number as a district whose incumbent's term on the council is due to expire.

4.02.050   Procedure for Holding Elections. All city municipal elections shall be held in accordance with the election laws of the state of California, as the same now exists or hereafter may be amended, for the holding of municipal elections. References in this Chapter to state statutes shall include any amendments thereto and any successor statutes."

SECTION 3. The Official Council District Map referenced in Section 4.02.010 is hereby approved and is attached hereto as Exhibit "A" and incorporated herein by this reference. The Official Council District Map shall be kept on file in the Office of the City Clerk.

SECTION 4. This Ordinance shall take effect upon its adoption pursuant to Government Code Section 36937(a) as it is an ordinance relating to an election for the City and pursuant to Government Code Section 36937(d) as an ordinance for the immediate preservation of public peace, health and safety.

SECTION 5. If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries adopted in this Ordinance that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 6. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b) of CEQA Guidelines. The action involves organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment. Furthermore, the Council also finds that this Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that this Ordinance will not have any potentially significant adverse impact on the environment.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Covina hereby declares that it would have adopted each

section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a written record of the passage and adoption thereof in the minutes of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.
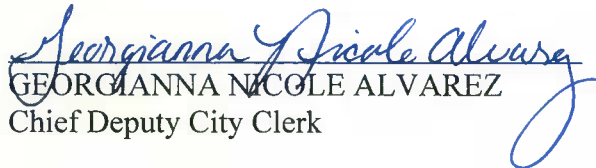
PASSED, APPROVED and **ADOPTED** this 18th day of January, 2022.

City Council of Covina, California

BY: _____
JORGE A. MARQUEZ, Mayor

ATTEST:

GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Georgianna Nicole Alvarez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance 22-01 was introduced for first reading at a regular meeting on the 4th day of January, 2022.

AYES: COUNCIL MEMBERS: ALLEN, KING, LINARES, CORTEZ
NOES: COUNCIL MEMBERS: MARQUEZ
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the 18th day of January, 2022, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, KING, CORTEZ
NOES: COUNCIL MEMBERS: MARQUEZ
ABSTAIN: COUNCIL MEMBERS: NONE
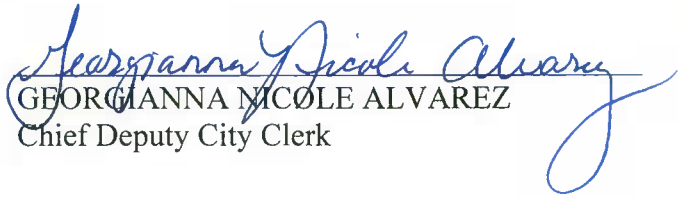ABSENT: COUNCIL MEMBERS: LINARES

Dated: January 19, 2022

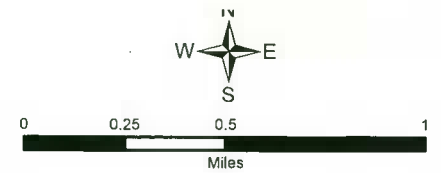GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

EXHIBIT "A"

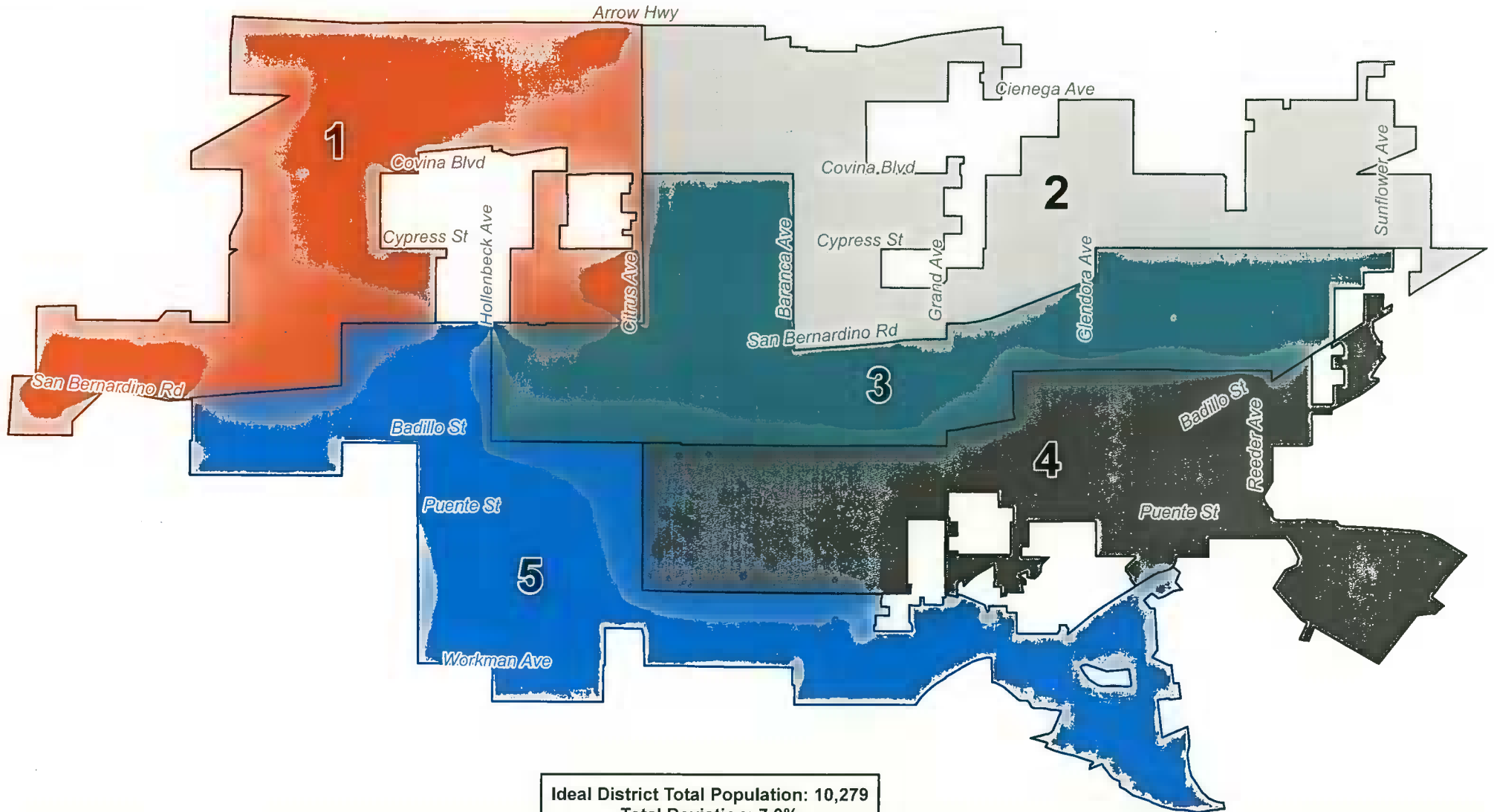OFFICIAL COUNCIL DISTRICT MAP

(SEE ATTACHED)

COVINA DISTRICTING 2021
MAP DEMOGRAPHICS
MAP NUMBER 2

Ideal District Total Population: 10,279
Total Deviation: 7.0%

District	CVAP	Hispanic/Latino	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Indian	Non-Hispanic Asian/Pacific Islander	Total Population	Deviation From Ideal	Percent Deviation
1	6,340	53.7%	21.2%	4.3%	0.3%	18.5%	10,019	-270	-2.6%
2	6,689	53%	28%	4.3%	0.5%	13%	10,249	-40	-0.4%
3	7,022	50.2%	32.6%	3%	0.6%	12.7%	10,657	368	3.6%
4	6,380	50.4%	30.1%	4.6%	0.3%	13.1%	9,941	-348	-3.4%
5	7,124	56.4%	24.5%	6%	0.4%	11.9%	10,578	289	2.8%